

### **REMARKS**

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Detailed Action of July 11, 2005 and the telephone conference of September 12, 2005.

Reexamination and reconsideration of the Application is requested.

### **The Office Action**

Claims 1-19 were presented for examination.

Applicant proposes canceling claims 7-11 and adding new claims 20-22 by this Amendment.

Claims 1, 7, 12, 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al.

Claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of U.S. Patent No. 6,104,377 to Ledoux.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of an article entitled "Networking Personal Computers with TCP/IP" authored by Hunt.

Claims 5, 6, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of U.S. Patent No. 6,466,831 to Shibata et al.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of U.S. Patent No. 5,920,687 to Winner et al.

### **Acknowledgement of the Telephone Conference of September 12, 2005**

Applicant thanks the Examiner for his time during the telephone interview of 9/12/05. During that interview, there was some discussion regarding the distinction between an interpretation of a window versus a container. As will be appreciated from the following comments, Applicant believes the claims as

previously presented do appropriately provide distinctions. However, to move the prosecution forward and narrow the discussion, Applicant has canceled claims 7-11. New claims 20 and 21 include language which may address the Examiner's concerns. While Applicant does not believe this language is needed, Applicant also believes the language does not change the intended scope of the claims, but rather is presented simply as clarification language. Therefore, if this language is acceptable, Applicant would be willing to incorporate this language into the respective independent claims.

**Claims 1 and 12 are Not Rendered Obvious by Horvitz-Jetha**

In response to the Examiner's Detailed Action of 7/11/05 and as discussed during the telephone interview of 9/12/05, Applicant respectfully submit that Horvitz and Jetha do not form the basis for a proper §103(a) rejection. This is so for at least the reason that Horvitz and Jetha do not teach all of the limitations of claims 1 or 12.

First, the Examiner contends that "a container is merely a generic term for a box capable of enclosing an object" (pg. 8 of Detailed Action). Applicant agrees with this assertion to the extent that a box is another term for a three dimensional receptacle capable of containing other objects. This is consistent with at least one definition of the term "box" as found in Merriam-Webster's Collegiate Dictionary, eleventh edition. According to Merriam-Webster, a box is defined as being "1: a rigid typically rectangular container with or without a cover" or "3: a box or boxlike container..." (Exhibit A). However, a box may also be defined as "5: a ... rectangular space that is frequently outlined or demarcated on a surface..." (Exhibit A). Applicant does not adopt the meaning of a box as being a rectangular space outlined on a surface and only submit to the meaning of a box for the purposes of this application as being a container. As defined by Merriam-Webster a "container" is "a: a receptacle (as a box or jar) for holding goods, b: a portable compartment in which freight is placed (as on a train or ship) for convenience of movement" (Exhibit B). A receptacle that holds goods is inherently three dimensional and therefore Applicant submits that the term container as used in the present application is a three dimensional receptacle

capable of containing other goods, objects, or items.

As such, the Applicant respectfully disagrees with the Examiner's position that "a window as shown in Horvitz figure 4b is certainly a box and also capable of enclosing the objects as shown" (pg. 8 of the Detailed Action). The window as shown in Horvitz Figure 4b is a box only within the definition of **5** discussed above and not within **1** or **3**. The window of Horvitz Figure 4b is a two dimensional box and not a container (or a three dimensional receptacle as defined above). This is consistent with the definition of "window" according to the online information technology encyclopedia, Whatis.com. According to Whatis.com, a window is "a separate viewing area on a computer display screen in a system that allows multiple viewing areas as part of a graphical user interface (GUI)" (Exhibit C). A viewing area is inherently two dimensional and therefore a "window" cannot be thought of as a container. Thus, Horvitz does not teach the limitation of claim 1 of "displaying at least one substantially opaque container object" because a container is a three dimensional receptacle and not a two dimensional box.

Furthermore, the Examiner points to Figure 2 ( $\beta$  Programme 1) of Jetha for the limitation of claim 1 of "reducing an opacity level of the selected container object in order to reveal at least one content object contained therein" (pg. 3 of Detailed Action, emphasis added). However,  $\beta$  Programme 1 of the display panel **80** is not a content object contained "therein" as required by claim 1. Jetha teaches that each display panel **80-83** comprises a first portion  $\alpha$  on which the displayed content appears and a second portion  $\beta$  that is attached to the first portion which carries ancillary data to identify the contents of each panel (column 4, lines 55-59). Therefore the second portion  $\beta$  is not "content" contained within the display panel **80**, it is simply another facet or adjacent surface of the "container object" or display panel **80** onto which ancillary data is mapped.

Also, Applicant is unsure if the Examiner is referring to display panel **80** or the workspace **84** (Figure 2 of Jetha) as the "container object" of claim 1.

Applicant assumes that the Examiner is pointing to display panels **81, 82, 83** of Figure 2 as the “content objects” of claim 1 since the Examiner points to Figure 2 (items **81, 82, 83**) for the limitation of “displaying the at least one content object contained within the selected container object at a deeper display depth relative to the first display depth” (pg. 3 of Detailed Action). One interpretation of this implies that the Examiner is relying on the workspace **84** of Figure 2 as the “container object” of claim 1. However, this would be erroneous. The workspace **84** cannot act as a container object as defined by the present invention primarily because claim 1 requires a three dimensional workspace, a container object within the three dimensional workspace, and a content object within the container object. This would require the Examiner to interpret the workspace **84** of Jetha as both a three dimensional workspace and a container object simultaneously. Such a dual interpretation is not permitted.

Another possible interpretation is that the Examiner is referring to the display panel **80** (Figure 2 of Jetha) as the “container object” and the display panels **81, 82, 83** as the “content objects.” However, this too would be erroneous. Display panels **81, 82, 83** are not “contained within” display panel **80**. Nowhere in Jetha is such an interpretation taught. In fact, Jetha teaches that Figure 2 is an arrangement of four display panels **80** through **83** “arranged to simulate receding panels in parallel alignment, with one behind the other in a three dimensional interface space **84**” (column 4, lines 28-33, emphasis added). Therefore, it is clear that all the display panels shown in Figure 2 of Jetha are simply arranged one behind the other and not within any “container object”.

The limitations of claim 1 of “reducing an opacity level of the selected container object in order to reveal at least one content object contained therein” and “displaying the at least one content object contained within the selected container object at a deeper display depth relative to the first display depth” are not met by Jetha. This is true because Jetha does not teach a three dimensional workspace having a container object, where the container object contains a content object, and wherein the content object is revealed upon reducing the opacity of the container object. What Jetha does teach is a workspace having a

number of content objects **80, 81, 82, 83** wherein a portion  $\beta$  of the content objects is translucent to allow the user to view another portion  $\alpha$  of the content object directly behind the instant content object. Under this analysis, Jetha is missing a container object having a content object that is revealed when the container object's opacity is reduced.

It is also noted that the Examiner pointed to Figure 8 of the present application during the phone interview stating that the content objects **820** were simply panels that are arranged one behind the other and similar to the display panels **80, 81, 82, 83** in Figure 2 of Jetha. However, Figure 8 of the present application must be interpreted in conjunction with the detailed description. Paragraph 33 of the detailed description plainly states that the house is a container object **810** and that upon selecting the container object **810** its opacity is reduced to reveal content objects **820**. In the present application, the content objects **820** are not visible unless the container object **820** is selected by the user. By comparison, at least a part of portion  $\alpha$  of each of the "content objects" or display panels **80, 81, 82, 83** are independently visible through the translucent portion  $\beta$  of each display panel. The "content objects" **80, 81, 82, 83** of Jetha are not contained within a container object that must first be selected in order to view the "content objects" or display panels **80, 81, 82, 83**. Figure 8 of the present application is intended to show that within a three dimensional workspace **800** the content objects **820** are at a deeper display depth than the front of the house **810** indicating that they are within the house or container object **810** (see paragraph 33 of the present application). The Examiner may have misinterpreted Figure 8 due to informalities in the drawings but the drawing itself cannot be evaluated in a vacuum. Paragraph 33 of the detailed description explains and is consistent with what Figure 8 illustrates. Furthermore, Figure 8 is simply another representation of the same concept disclosed in Figure 5 of the present application. Figure 5 of the present application discloses in greater detail a three dimensional workspace **500** having a content object **560** (which is represented by a content object icon **545**) contained within a container object **540**. Support for Figure 5 can be found in paragraphs 28 - 30 of the detailed

description of the present application. Therefore, the display panels of Figure 2 of Jetha are not the same as the container object **810** and content objects **820** of Figure 8 in the present application.

As independent claim 12 also contains the above-noted concepts, it is submitted this claim is also distinguished from the cited art.

As for claims 2-6 and 13-19 the Examiner has improperly relied on the combination of Horvitz-Jetha in which the combination fails to teach all of the limitations of the underlying independent claims. Therefore the rejections as to the dependent claims are improper also.

New dependent claims 20, 21 add clarifying language and claim 22 further emphasizes distinguishing features between the cited art and the present application. It is submitted these concepts also are not taught or fairly considered by such art.

**CONCLUSION**

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-6 and 12-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

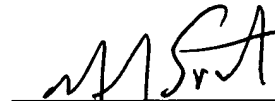
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

9/22/05

Date



Mark S. Svat  
Reg. No. 34,261  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

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A window is a separate viewing area on a computer display screen in a system that allows multiple viewing areas as part of a graphical user interface (GUI). Windows are managed by a *windows manager* as part of a windowing system.

A window can usually be resized by the user. For example, it can be stretched on any side, minimized, maximized, and closed. On today's multitasking operating systems, you can have a number of windows on your screen at the same time, interacting with each whenever you choose.

The window first came into general use as part of the Apple Macintosh. Later, Microsoft made the idea the foundation of its Windows operating system (which was actually a graphical user interface for the Disk Operating System (DOS) operating system on IBM-compatible PCs). The X Window System was developed as an open cross-platform windowing system for use in networks. It allows a client application in one computer to request windowing services at a user's workstation computer.

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